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15 **UNITED STATES DISTRICT COURT**
16
17 **NORTHERN DISTRICT OF CALIFORNIA**
18
19 **SAN FRANCISCO DIVISION**

20 ANIBAL RODRIGUEZ, et al. individually and on
behalf of all others similarly situated,

21 Plaintiff,

22 vs.

23 GOOGLE LLC,

24 Defendant.

25 Case No. 3:20-CV-04688-RS

26 **JOINT STIPULATION ON GOOGLE'S
SUPPLEMENTAL FINANCIAL
PRODUCTIONS**

27 Judge: Hon. Richard Seeborg
Courtroom: 3, 17th Floor

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Anibal Rodriguez, et al. (“Plaintiffs”)
2 and Defendant Google LLC (“Google”), collectively referred to as the “Parties,” hereby enter into
3 this joint stipulation.

4 WHEREAS, Plaintiffs’ expert witness Michael J. Lasinski offers opinions on Google’s
5 unjust enrichment from Google’s collection, saving, and use of (s)WAA-off app activity data;

6 WHEREAS, Google’s rebuttal expert witness Christopher R. Knittel offers opinions in
7 response to Mr. Lasinski, including with respect to Google’s enrichment from its collection, saving,
8 and use of (s)WAA-off app activity data;

9 WHEREAS, the Parties and their experts rely on financial reports produced by Google in
10 calculating and otherwise opining on Google’s enrichment from (s)WAA-off app activity data;

11 WHEREAS, because the discovery period in this case ended before the class period ended,
12 the financial reports produced by Google during the discovery period did not include information
13 regarding Google’s revenues and costs for a later portion of the class period;

14 WHEREAS, after the end of the discovery period in this case, Google changed its accounting
15 systems, including certain relevant reporting structures and reporting systems;

16 WHEREAS, after the class period ended, Google produced to Plaintiffs certain financial
17 reports regarding Google’s revenues and costs through the end of the class period;

18 WHEREAS, as a result of the changes to Google’s accounting systems, the metrics included
19 in these financial reports differ from the metrics included in the financial reports produced by
20 Google during the discovery period;

21 WHEREAS, the Parties wish to at trial avoid any dispute or confusion by the jury regarding
22 the contents of these Google financial reports and to ensure that the Parties’ experts are both working
23 from the same understanding regarding the content of these reports; and

24 WHEREAS, the Parties agree that the below stipulated facts may be included in the Joint
25 Pretrial Statement.

26 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
27 Parties, that:

1 With respect to Google's revenues and profits from **App Promo** ads:

- 2 1. The spreadsheet produced by Google and numbered GOOG-RDGZ-00185743 is authentic
3 and admissible into evidence at trial;
- 4 2. In the spreadsheet numbered GOOG-RDGZ-00185743, the "AppPromoQuarterlyRevenue"
5 in Column E of the "Data" tab is from App Promo ads served to users in the United States;
- 6 3. The spreadsheet produced by Google and numbered GOOG-RDGZ-02111189 is authentic
7 and admissible into evidence at trial;
- 8 4. In the spreadsheet numbered GOOG-RDGZ-02111189, the "AppPromoQuarterlyRevenue"
9 in Column E of the "Output" tab is Google's "served" revenue from App Promo ads served
10 to users in the United States;
- 11 5. In the spreadsheet numbered GOOG-RDGZ-02111189, the "gross_revenue_floating_usd" in
12 Column G of the "Follow Up Output" tab is Google's total "served" revenue from App Promo
13 ads served to users around the world;
- 14 6. In the spreadsheet numbered GOOG-RDGZ-02111189, the "tac_floating_usd" in Column H
15 of the "Follow Up Output" tab is Google's total traffic acquisition costs ("TACs") pertaining
16 to App Promo ads served to users around the world;
- 17 7. The spreadsheet produced by Google and numbered GOOG-RDGZ-02111196 is authentic
18 and admissible into evidence at trial;
- 19 8. In 2022, Google updated its profit-and-loss ("P&L") reporting structure to a new format for
20 its App Promo and AdMob products;
- 21 9. Google's updated P&L reporting structure, used through 2024, does not track or maintain
22 Google's "booked" revenue specific to App Promo ads;
- 23 10. For the period after Google updated its P&L reporting structure, Google's "billed" revenue
24 from App Promo ads is the best available proxy, or substitute, for Google's "booked" revenue
25 from App Promo ads;
- 26 11. In the spreadsheet numbered GOOG-RDGZ-02111196, the "SUM of billed_usd_glfx" in
27 Column F is Google's "billed" revenue from App Promo ads served to users in the United
28 States;
- 29 12. In the spreadsheet numbered GOOG-RDGZ-02111196, Google's "billed" revenue is
30 calculated by deducting from "served" revenue certain transactions the customer is not billed
31 for such as overdelivery, spam credits, etc., as well as including certain fees (for example,
32 regulatory fees);
- 33 13. For purposes of this litigation, Google states that as it relates to Google's revenues from App
34 Promo ads, the ratio of "served" to "billed" revenue during 2023 was not materially different
35 from the ratio of Google's "served" to "billed" revenue during 2022;
- 36 14. Google's 2022–2024 accounting structure does not track, report, or otherwise maintain
37 country-specific records of Google's traffic acquisition costs for App Promo ads;

15. For purposes of this litigation, Google states that Google's traffic acquisition costs as a percentage of Google's corresponding App Promo revenues did not materially change after 2021 and through the end of the class period, which is September 23, 2024;

16. As of October 1, 2023, the share of global App Promo ad revenue attributable to conversion types bid against Google Analytics for Firebase was 66%; and

17. As of October 1, 2024, the share of global App Promo ad revenue attributable to conversion types bid against Google Analytics for Firebase was 70.5%.

With respect to Google's revenues and profits from AdMob:

18. The spreadsheet produced by Google and numbered GOOG-RDGZ-02111197 is authentic and admissible into evidence at trial;

19. In the spreadsheet numbered GOOG-RDGZ-02111197, the “Hardcoded Sellside P&L | non-M” tab includes Google’s total served and booked revenues from AdMob ads served to users around the world;

20. In the spreadsheet numbered GOOG-RDGZ-02111197, the figures in the “Hardcoded Sellside P&L | non-M” tab were generated by Google, from the same accounting systems, and using the same methods, that Google used to generate the figures in the spreadsheets numbered GOOG-RDGZ-00187665 and GOOG-RDGZ-00187666 to recreate the pre-2022 reporting structure to the best of its ability. It does not represent how Google currently reports these figures in the ordinary course of business;

21. After Google updated its P&L reporting structure in 2022, it stopped maintaining non-MECE views, meaning traffic acquisition costs associated with AdMob ads in the years 2022, 2023, or 2024, are MECE, unlike the non-MECE figures in previous years, which are included in the spreadsheets numbered GOOG-RDGZ-00187665 and GOOG-RDGZ-00187666;

22. Google's traffic acquisition costs as a percentage of Google's corresponding AdMob revenues remained relatively stable between 2021 and 2023.

IT IS SO STIPULATED.

DATED: April 18, 2025

By: /s/ Mark C. Mao
Mark C. Mao

Attorneys for Plaintiff

DATED: April 18, 2025

WILLKIE FARR & GALLAGHER, LLP

By: /s/Benedict Y. Hur
Benedict Y. Hur

Attorneys for Google

1 **FILER'S ATTESTATION**

2 Pursuant to Civil Local Rule 5.1, I attest that all signatories listed, and on whose behalf this
3 filing is submitted, concur in the filing's content and have authorized this filing.

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5 DATED: April 18 2025

BOIES SCHILLER FLEXNER LLP

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7 */s/ Mark C. Mao*
8 Mark C. Mao

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